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REMARKS

This response is intended as a full and complete response to the non-final Office Action mailed September 19, 2007. In the Office Action, the Examiner notes that claims 1-2 are pending and rejected. By this response, Applicants have amended independent claims 1 and 2 and added claims 3-15. No new matter has been added.

Support for amendments in claim 1 and 2 can be found in the original specification, for example on page 4, lines 30-33; page 5, lines 15-17; page 6 lines 27-35; and page 12, lines 38-39. Support for new claim 3 can be found in the original specification, for example, on page 8, lines 20-21. Support for new claims 4-7 can be found in the original specification, for example, on page 15, line 15 through page 16, line 14. Support for new claim 8 can be found in the original specification, for example, on page 12, lines 35-40 and page 18, lines 5 – line 11. Support for new claim 9 can be found in the original specification, for example, on page 12, lines 35-40. Support for new claims 10-13 can be found in the original specification, for example, on page 4, line 30 through page 17, line 11; page 18, lines 1-35; page 19, line 28 through page 21, line 27. Support for new claim 14-15 can be found in the original specification, for example on page 6, lines 27-35 and page 16, lines 10-22.

In view of both the amendments presented above and the following discussion, Applicants submit that none of the claims now pending in the application are anticipated under the provisions of 35 U.S.C. §102. Therefore, Applicants believe that all of the claims are now in allowable form.

It is to be understood that Applicants, by amending the claims, do not acquiesce to the Examiner's characterizations of the art of record or to Applicants' subject matter recited in the pending claims. Further, Applicants are not acquiescing to the Examiner's statements as to the applicability of the prior art of record to the pending claims by filing the instant response including amendments.

35 U.S.C. §102 Rejection of Claims 1 and 2

The Examiner has rejected claims 1 and 2 under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 7,260,823 to Schlack et al. (hereinafter "Schlack"). Applicants respectfully traverse the rejection.

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Anticipation requires the presence in a single prior art disclosure of each and every element of the claimed invention, arranged as in the claim. The Schlack reference fails to disclose each and every element of the claimed invention, as arranged in independent claim 1.

Schlack reference fails to teach or suggest at least

"parsing dynamically, in accordance with a set of stored processing rules, a stream of command signals generated by a control unit in response to control sequences entered into the control unit by a viewer to generate information representative of the viewer's viewing behavior, wherein the parsing comprises interpreting at least one signal from the stream of command signals based on the viewer profile,"

as recited in independent claim 1.

The Schlack reference discloses a method of profiling one or more viewers by monitoring their interactivity with the set-top receiver, and then, generating one or more profiles for each viewer (col. 6, lines 10-16). A profiler identifies different viewing sessions for each viewer (co. 6, lines 52-53) based on viewing activity data and creates session profiles for each session (col. 6, lines 56-57). Closely related session profiles are subsequently combined to create a signature profile.

The portions of the Schlack reference cited in the Office Action describe various factors that could be used in determining when such a session starts, when the session ends, and when a new session starts. Schlack further discloses using a concept of a sliding window. The sliding window is a window of a specific duration that is continuously moving forward in time and is monitored to compare data within the sliding window with the overall session data. If a sufficient change in a viewing pattern is determined, then the data within the sliding window is considered to be a part of a new session (col. 25, line 54 – col. 26, line 35).

By using sliding windows, Schlack assures that each viewing session includes only one viewing pattern, and subsequently, that each signature profile includes only one viewing pattern. However, the result of such a use of signature profiles is that a single signature profile does not necessarily reflect preferences of only one viewer. Further, a single signature profile would not necessarily contain the complete viewer's

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profile. Rather, each signature profile represents only one of many viewing patterns demonstrated by the viewers, such as closely related viewing events (see col. 27, lines 21-49). Accordingly, because Applicants' viewer profile represents all viewing habits of one viewer while Schlack's signature profile could represent several viewers or be incomplete, Schlack fails to disclose the viewer profile of Applicants' claim 1.

Moreover, any recommendations generated based on one signature profile would not reflect information contained in another signature profile even though both those signature profiles could represent the same viewer, and thus, the viewer would have been susceptible to recommendations generated based on either signature profile. This is entirely unlike Applicants' invention, which places the knowledge about viewing habits of a single viewer into a single viewer profile. Therefore, the information, stored in at least two different signature profiles of Schlack, is stored in one Applicants' viewer profile. Accordingly, the recommendations generated based on the Applicants' viewer profile reflect the single viewer's preferences more fully than Schlack's signature profile does.

Furthermore, Applicants' parsing cannot be equated with Schlack's use of viewing sessions. Applicants interpret signals, such as changing a channel, e.g., to determine whether the viewer likes a program. Thus, a program score, a genre score, or both could be updated when a parsed command signal is changing a channel (see, e.g., specification, page 22). Schlack, in contrast, merely discloses separating viewing content into viewing patterns stored as signature profiles. By doing so, Schlack omits parsing at least some of the command signals that could have been used to generate information representative of the viewer's viewing behavior. For example, if a channel has been changed at the end of a first viewing session, such channel changing would not be reflected in either of session profiles: the first session or a session that followed, the second session. Rather such channel changing would merely represent a line where the first session stopped and the second session started.

Moreover, Schlack does not teach or suggest "parsing dynamically ... a stream of command signals," as recited in independent claim 1. Parsing signals dynamically, according to Applicants' invention, allows the information contained in the viewer profile to contemporaneously reflect the viewer's behavior. As described in the specification, it

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also allows Applicants' invention reducing the amount of data required to be saved/stored in order to make viewing recommendation.

In contrast, not only does Schlack fail to explicitly teach parsing signals dynamically, but doing so would contravene the Schlack invention goals. Schlack's primary focuses on separating viewing data into sessions, where each session represents a certain pattern of viewing behavior. Schlack uses the sliding window concept to distinguish between different viewing patterns, to assure that data within one session represents the same viewing pattern. According to Schlack, some channel changes do not warrant starting a new session, but are rather considered to be part of the same viewing behavior (see col. 26, lines 20-35). Accordingly, despite a signal from the remote control being generated – changing a channel – the current viewing session continues. However, parsing dynamically such a signal according to the principles of the Applicants' invention would require destroying that which is at the heart of the Schlack invention – a viewing session representing a viewing pattern.

Accordingly, Schlack fails to disclose each and every element of the claimed invention, as arranged in Applicants' independent claim 1, and thus, independent claim 1 is not anticipated by Schlack and thus is allowable under 35 U.S.C. §102. Therefore, the rejection should be withdrawn.

Regarding claim 2, Schlack fails to disclose at least

“parsing means for parsing, in accordance with a set of stored processing rules, a stream of command signals to generate dynamic information contemporaneously representative of the viewer's viewing behavior, wherein the signals are generated by a control unit in response to control sequences entered into the control unit by a viewer,”

as recited in independent claim 2. As discussed above, Schlack does not teach or suggest dynamically parsing the stream of command signals, so that the generated information would contemporaneously reflect the viewer's behavior. Accordingly, Schlack does not teach or suggest each and every one of the elements of Applicants' invention as recited in claim 2. As such, Applicants submit that independent claim 2 is not anticipated by Schlack, and thus, is patentable under 35 U.S.C. §102.

Therefore, Applicants respectfully request that the Examiner's rejection be withdrawn.

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THE SECONDARY REFERENCES

The secondary references made of record are noted. However, it is believed that the secondary references are no more pertinent to Applicants' disclosure than the primary references cited in the Office Action. Therefore, Applicants believe that a detailed discussion of the secondary references is not necessary for a full and complete response to this Office Action.

CONCLUSION

Thus, Applicants submits that none of the claims, presently in the application, are anticipated under the provisions of 35 U.S.C. §102. Accordingly, both reconsideration of this application and its swift passage to issue are earnestly solicited.

If, however, the Examiner believes that there are any unresolved issues requiring adverse final action in any of the claims now pending in the application, it is requested that the Examiner telephone Eamon J. Wall, at (732) 530-9404, so that appropriate arrangements can be made for resolving such issues as expeditiously as possible.

Respectfully submitted,

Dated: _____

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